

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROBERT HAIN,

Plaintiff,

v.

BRIAN WILLIAMS, SR., *et al.*,

Defendants.

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2:10-cv-00153-JCM-LRL

O R D E R

Before the court is plaintiff's Motion for Relief from Judgment for Clerical Mistakes (#16). Plaintiff asks the court to reconsider the portion of its Order (#15) denying plaintiff's Motion for Court Order to Effect U.S. Marshal Service upon Defendants (#14). Through his Motion (#16), plaintiff asserts that since the defendants did not oppose his Motion (#14), pursuant to LR 7-2(d), the court should have granted it.

In denying that portion of plaintiff's motion (#14) seeking an order requiring the U.S. Marshal to serve summonses and complaints on named defendants, the court explained that service of a summons and complaint at government expense by the U.S. Marshal is afforded only to plaintiffs who have been granted *in forma pauperis* status by the court upon proof of indigence. See 28 U.S.C. § 1915(a). Because plaintiff had not been granted *in forma pauperis* status, the court directed the Clerk of Court to send an Application to Proceed *In Forma Pauperis* to plaintiff. To date, plaintiff has not filed an Application to Proceed *In Forma Pauperis*. For that reason the court denied plaintiff's Motion for Court Order to Effect U.S. Marshal Service upon Defendants. Accordingly,

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1 IT IS ORDERED that plaintiff's Motion for Relief from Judgment for Clerical Mistakes (#16)
2 is denied.

3 DATED this 20th day of September, 2010.

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6 **LAWRENCE R. LEAVITT**
7 **UNITED STATES MAGISTRATE JUDGE**
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